

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEW JERSEY**

**HOWARD R. LAY, ET AL.**  
*Plaintiff*

V.

CASE NUMBER: **3:09-CV-04009-MLC-LHG**

**MODELL'S SPORTING GOODS, ET AL.**  
*Defendant, Third-party plaintiff*  
V.

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*Third-party defendant*

**SUMMONS ON A THIRD-PARTY COMPLAINT**

TO: *(Name and address of Third-party Defendant):*

A lawsuit has been filed against defendant \_\_\_\_\_, who as third-party plaintiff is making this claim against you to pay part or all of what the defendant may owe to the plaintiff \_\_\_\_\_.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the defendant or defendant's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the third-party complaint. You also must file your answer or motion with the court and serve it on any other parties.

A copy of the plaintiff's complaint is also attached. You may — but are not required to — respond to it.

**WILLIAM T. WALSH**  
CLERK

**Sharon D. Syphrett**  
(By) DEPUTY CLERK



ISSUED ON 2010-10-14 09:56:49.0, Clerk  
USDC NJD



**RETURN OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(l).)*

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER ( <i>PRINT</i> )	TITLE

*Check one box below to indicate appropriate method of service*

- ☐ Served personally upon the defendant. Place where served: \_\_\_\_\_  
\_\_\_\_\_
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
- ☐ Name of person with whom the summons and complaint were left: \_\_\_\_\_
- ☐ Returned unexecuted: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- ☐ Other (specify) : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
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**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date

\_\_\_\_\_  
*Signature of Server*

\_\_\_\_\_  
*Address of Server*